

**KISSINGER N. SIBANDA Esq, Attorney at Law, *Pro Se***

The Law Office of Kissinger N. Sibanda, PLLC

PO Box 714. Livingston. NJ 07039

Kissinger N. Sibanda, Atty. ID #1017426

ksibanda@temple.edu

Telephone: 862-250-9684

*Attorney for Plaintiff.*

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

KISSINGER N. SIBANDA

*Plaintiff,*

v.

DAVID ELLISON, et al

*Defendants.*

**Case No: 1:23-cv-05752 (JMF)**

Letter: Limited Response to Order: ECF: 144

1 This is a limited response to the decision to deny limited discovery on the exhibits  
2 submitted in plaintiff's motion practice. Plaintiff notes that this decision is exemplary of Your  
3 Honor's bias against him:  
4

5 Specifically, there is nothing frivolous about seeking the court's assistance to have the  
6 redacted parts sent to plaintiff unredacted.  
7

8 Second, in regards, to the bench's continued misrepresentation that "plaintiff has  
9 harassed Lin," this is an advocacy position, not fact based and is being appealed with the Second  
10 Circuit. The facts do not support such a position, in fact the Bench has now inserted itself as a  
11 party on this issue -  
12

13 If the Bench is not able to decide this matter fairly, then the Bench should recuse itself.  
14 Otherwise, its Orders that plaintiff's well written arguments are in its words, "frivolous," lacks  
15 judicial authority ( cases etc.) and is personal, at this point.

16 I am under the impression that the Bench wants to make Orders that push the advocacy  
17 position of defendants, regarding plaintiff's requests or concerns. The primary concern of the  
18 Bench is effectuating "sanctions," based on a theory of "harassing Lin," a complete exaggeration  
19 of the facts of this dispute and the facts herein. This has been appealed.  
20

21 In regards, to Your refusal to direct defendant Lin to show *proof of her right to represent*  
22 *defendants, consistent with Ca. Bar Rule 1.7*, when having a conflict of interest. It is plaintiff's  
23 right to so request and is not frivolous in any shape or form. Unless the bench can cite  
24 specifically to authority allowing defendant Lin to do what she has done in this case, the concern  
25 is genuine.  
26  
27  
28

1 That decision squarely falls with the grievance board to review your decision – but that’s  
2 an abuse of discretion designed to paint plaintiff negatively. Consistent with the Bench’s attitude  
3 towards plaintiff and its reading of the case.

4 *Seeking to have redacted records sent to plaintiff unredacted was and is not frivolous.*

5  
6 If the Bench cannot rule impartial, then the bench should recuse itself. But Your lack of  
7 fairness, or equal play, suggests the Bench has already decided and is merely effectuating the  
8 actions of its decisions. To suggest that “redacted records,” be unredacted and a lawyer should  
9 show evidence they represent defendants, they intend collecting fees for – *is frivolous*. Is a  
10 remarkable statement from the bench. This is a frivolous argument from the bench (that  
11 information should not be revealed, allowing a party to make a complete argument in their  
12 motion)! The whole basis of or legal system is fact discovery.

13  
14 At this point plaintiff will amend his appeal to include this Order, ECF: 144, sating its  
15 “frivolous” holding was obviously aware this would be plaintiff’s only position. Plaintiff will not  
16 be cornered or pressured to briefing a motion with evidence that handicaps his legal argument,  
17 this is a violation of his constitutional right, specifically the First Amendment. And the bench  
18 cannot refuse discovery to essentially relevant facts, without an opposition submission.

19  
20 In conclusion, if the Bench does not want to be assigned to this case; to pay close  
21 attention to the history of this matter and the facts; that issue is with the chief judge who  
22 reassigned this matter, not me. Plaintiff was okay with Judge Koetli’s reassignment.

23  
24 Instances where the bench responds before defendants are unacceptable; requests and  
25 motions are normally briefed by parties; not between a party and a sitting judge. This is a trend,  
26 for the bench to respond before defendants do.

1 Judge Furman is not a party to these proceedings!

2 Assignment of this matter cannot be circumvented by onerous and unfair decisions  
3 intended to force a party to seek recusal against the sitting judge. If the Bench is under the  
4 impression, that plaintiff is unaware of the law, that issue is a personal issue with him; given that  
5 no caselaw has shown this not to be so. Plaintiff has in fact, refiled his action.  
6

7 In addition, whether plaintiff responds the same day or not to the bench's Orders is  
8 immaterial to the substance of this matter. The bench cannot insist that plaintiff responds when  
9 they would like a response outside of the allotted time set on the record, and references to "same  
10 day," are irrelevant to the issues and somewhat of a personal nature.  
11

12 Plaintiff remains disappointed at the inability of this Bench to adjudicate this matter; not  
13 because the Bench refused to allow limited discovery, but the reasons, and tone of its Order.  
14 Discovery is a crucial part of our litigation system, the bench did not address how is it fair that  
15 defendants were given limited discovery, when they requested it, and now plaintiff's request is  
16 deemed "frivolous."  
17

18 At this point the parties to these proceedings are clearly; *Sibanda v. Furman*. Which is  
19 unfortunate.  
20

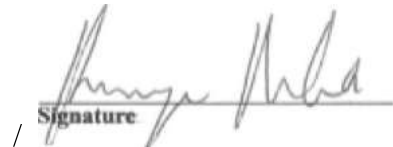
21 I am Jewish and have utmost respect for judges. I believe we are all judged by the  
22 Creator, even Judge Furman. If my Jewish faith poses a problem for you, as a Jewish judge, with  
23 the same faith. Then You Honor should recuse Himself; but Jewish judges have to be fair to even  
24 Jewish litigants. The biggest grievance board against a judge is Hashem, not the second circuit.  
25  
26  
27  
28

1 Requests to un-redact records is not a frivolous argument, nor is the request for Ms. Lin  
2 to show that she is authorized to represent her co-defendants, a requirement of California Bar  
3 Rule 1.7.  
4

5  
6  
7 Dated: 09/17/2024

Washington, DC

8 By:

9  
10  
11  / Signature  
12

13 DR. KISSINGER N. SIBANDA ESQ

14 The Law Office of Kissinger N. Sibanda, PLLC

15 LL. B (Hons); LL.M (State / Trial); LL.M ( Federal/ Trial)

16 Admitted: United States Supreme Court

17 Second Circuit

18 Mail to: PO Box. 714. Livingston. NJ 07039  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

Plaintiff, Dr. Kissinger N. Sibanda SERVED ALL PARTIES via ECF.

Date: September 17, 2024

A handwritten signature in black ink, appearing to read "Kissinger N. Sibanda", is written over a horizontal line. The word "Signature" is printed in a small, sans-serif font directly beneath the line.

DR. KISSINGER N. SIBANDA  
*Pro Se Plaintiff*